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10/543,131	07/22/2005	Timothy G Hornberger	1335.258	2628

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/543,131

Applicant(s)

HORNBERGER, TIMOTHY G

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/22/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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This is the first office action for application number 10/543,131, Pound-In Glide for an Article of Furniture, filed on July 22, 2005.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "118". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "10" in Figs. 9 and 10 and "117" in Fig. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: the recitation of "assembly22includes" on page 5, line 6 should be changed to --assembly 22 includes--.

Appropriate correction is required.

Claim Objections

Claims 2, 6, 10, 14, 20, 21, 23, and 25 are objected to because of the following informalities: in claim 2, line 4, "an" should be changed to --the--; in claim 6, line 1, --or- - should be inserted after "one"; in line 6 of claim 10, "to" (first occurrence) should be deleted; in claim 14, line 1, the recitation of "a first and a second slot" should be changed to --a first slot and a second slot--; in claim 20, line 1, --the-- or --said-- should be inserted before "one"; in claim 21, line 2, --an-- should be inserted before "axial"; in claim 23, line 7, --a-- should be inserted before "passage"; and in claim 25, line 8, --a-- should be inserted before "passage". Appropriate correction is required.

Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claimed subject matter of claim 18 is redundant; this subject matter is previously recited in claim 15, line 7.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 11-14, and 16-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the body member" in line 10. There is insufficient antecedent basis for this limitation in the claim. The original recitation of this term is in line 3 and only "a body" is recited.

Claim 2 recites the limitation "the one or more frangible members" in line 3. There is insufficient antecedent basis for this limitation in the claim. The original recitation is drawn to "one or more frangible connectors".

Claim 6 recites the limitation "the aligned space" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the body" in lines 2 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the body" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the body" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the passage" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the plurality of mounting boss sections" bridging lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. The original recitation is drawn to "a plurality of boss sections" cited in claim 15, lines 6-7.

Claim 18 recites the limitation "adjacent mounting boss sections" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "one or more radially-outward guide members" bridging lines 1 and 2 of the claim is intended to refer to the original recitation of the term "a plurality of radially-outward extending guide members" in line 10 of claim 15. It is suggested that the applicant change the recitation in claim 19 to --one or more of said plurality of radially outward extending guide members--.

Regarding claims 21 and 23, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 22 recites the limitation "the passage arrangement" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the body member" bridging lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 8-10, 21, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,923,158 to Saisho. Saisho discloses a support (Figs 1-3 for claims 1, 3, 4, 8, and 9 and Figs. 6 & 7 for claims 10, 21, 23, and 25) for an article of furniture of furniture having an opening defined by an edge, comprising: a body (1/A) having a boss that includes a plurality of collapsible mounting boss sections (7/F) that define an axial passage (5/D) therebetween and extending through the body, wherein engagement with the edge of the opening (22/H) in the article of furniture causes the mounting boss sections to move radially inward relative to the edge of the opening toward a collapsed condition; a wedge (4/I) configured to be driven by an applied force

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into the passage of the body, wherein the driven wedge moves the boss sections apart against the edge of the opening to secure the body member to the article of furniture; wherein each of the plurality of mounting boss sections includes a free end having a tapered edge configured to enhance insertion of the mounting boss sections into the opening; wherein adjacent mounting boss sections define a space (6/E) therebetween; wherein the wedge includes a first end and a second end, wherein the body includes an upper surface and lower surface; wherein the first end of the wedge and the upper surface of the body are arcuate-shaped; and wherein the second end of wedge and the lower surface of the body are arcuate-shaped.

In regards to claims 10 and 23, Saisho inherently teaches the method of mounting a support to an article of furniture having an opening defined by an edge, essentially comprising the steps of: inserting the mounting boss; moving the plurality of boss sections radially inward to a collapsed condition; driving a wedge into the passage defined by the boss sections; and moving the boss sections radially outward against the edge defined by the opening.

Claims 1, and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,163,795 to Benoit et al., hereinafter, Benoit. Benoit discloses a support (10) capable of use with an article of furniture of furniture having an opening defined by an edge, comprising: a body (16) having a boss (22) that includes a plurality of collapsible mounting boss sections (30) that define an axial passage therebetween and extending through the body, wherein engagement with the edge of the opening causes the mounting boss sections to move radially inward relative to the edge of the opening

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toward a collapsed condition; a wedge (18) configured to be driven by an applied force into the passage of the body, wherein the driven wedge moves the boss sections apart against the edge of the opening to secure the body member to the article of furniture; wherein each of the plurality of mounting boss sections includes a free end having a tapered edge (34) configured to enhance insertion of the mounting boss sections into the opening; wherein adjacent mounting boss sections define a space therebetween; wherein the wedge includes one or more radially-outward extending guide members (54) aligned generally perpendicular relative to one another; and wherein the one or more radially-outward extending guide members are operable to move into an aligned space (56) defined adjacent the mounting boss sections.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,385,157 to Rapata. Rapata discloses a support (30) capable for use with an article of furniture of furniture having an opening defined by an edge, comprising: a body having a boss that includes a plurality of collapsible mounting boss sections (36, 38, and 40) that define an axial passage therebetween and extending through the body, wherein engagement with the edge of the opening causes the mounting boss sections to move radially inward relative to the edge of the opening toward a collapsed condition; a wedge (34) configured to be driven by an applied force into the passage of the body, wherein the driven wedge moves the boss sections apart against the edge of the opening to secure the body member; wherein the wedge is initially formed in an extended position, wherein the wedge is interconnected with the body via one or more frangible connectors (54), and wherein the connectors are operable to break with the

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wedge is subjected to the applied force that tends to move the wedge from the extended position into the passage defined by the boss sections; wherein each of the plurality of mounting boss sections includes a free end having a tapered edge configured to enhance insertion of the mounting boss sections into the opening; and wherein adjacent mounting boss sections define a space therebetween.

Claims 1, 4, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,915,993 to O'Leary. O'Leary discloses a support (10) for an article of furniture of furniture having an opening, comprising: a body (12) having a boss that includes a plurality of collapsible mounting boss sections (24) that define an axial passage (28) therebetween and extending through the body, wherein engagement with the edge of the opening in the article of furniture causes the mounting boss sections to move radially inward relative to the edge of the opening toward a collapsed condition; a wedge (30) configured to be driven by an applied force into the passage of the body, wherein the driven wedge moves the boss sections apart against the edge of the opening to secure the body member to the article of furniture; wherein adjacent mounting boss sections define a space (26) therebetween; and wherein the wedge includes a first end and a second end, wherein the body includes an upper surface and a lower surface, and wherein the first end of the wedge and the upper surface of the body are arcuate-shaped.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary in view of Rapata. O'Leary discloses the claimed invention except for the limitation of the wedge interconnected with the body via one or more frangible connectors. Rapata teaches a support comprising a body having a boss including a plurality of collapsible mounting boss sections that defined an axial passage, a wedge (34), and wherein the wedge is interconnected with the body via one or more frangible connector (54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the arrangement between the wedge and the body of the support in O'Leary to have included frangible connectors that are operable to break when the wedge is subjected to an applied force as taught by Rapata for the purpose of providing an alternative means for packaging the support and since such a modification merely involves making a separable item integral which would not have produced any unexpected results.

Claims 3, 5, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary in view of Benoit. O'Leary discloses the claimed invention except for the limitations of the boss sections having a free end having a tapered edge and the wedge having one or more radially-outward extending guide members. Benoit

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teaches a support having a body (16) having a boss including a plurality of boss sections (30), wherein the boss sections have free ends having tapered edges, and wherein the wedge has one or more radially-outward extending guide members (54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified boss sections and the wedge of O'Leary to have included tapered edges and guide members, respectively, as taught by Benoit for the purpose of providing an alternative aesthetic appearance to the boss sections and for providing a means for aiding in the alignment of the wedge in junction with the passage of the body of the support.

Claims 11, 12, 22, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saisho in view of Rapata. Saisho discloses the claimed invention except for the limitation of the wedge being formed integrally with the body and interconnected by a frangible connector. Rapata teaches a support comprising a body having a boss including a plurality of collapsible mounting boss sections that defined an axial passage, a wedge (34), and wherein the wedge is interconnected with the body via one or more frangible connector (54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the arrangement between the wedge and the body of the support in Saisho to have included frangible connectors that are operable to break when the wedge is subjected to an applied force as taught by Rapata for the purpose of providing an alternative means for packaging the support and since such a modification merely involves making a separable item integral which would not have produced any unexpected results.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saisho in view of Rapata and in further view of Benoit. Saisho combined with Rapata disclose the claimed invention except for the limitation of the wedge having a plurality of guide members extending radially outward relative to one another for engaging a space between the boss sections. Benoit teaches a support having a body (16) having a boss including a plurality of boss sections (30), a wedge and wherein the wedge has one or more radially outward extending guide members (54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the wedge of Saisho combined with Rapata to have included a guide member as taught by Benoit for the purpose of a means for aiding in the alignment of the wedge in junction with the passage of the body of the support. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have more than one guide member on the wedge, since such a modification would have merely involved a duplication of parts which would not have produced any unexpected results.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary in view of Benoit and in further view of Rapata. O'Leary combined with Benoit disclose the claimed invention except for the limitation of the wedge being interconnected to the body of the support via one or more frangible connectors. Rapata teaches a support comprising a body having a boss including a plurality of collapsible mounting boss sections that defined an axial passage, a wedge (34), and wherein the wedge is interconnected with the body via one or more frangible connector (54). It would have been obvious to one having ordinary skill in the art at the time the invention was made

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to have modified the arrangement between the wedge and the body of the support in O'Leary combined with Benoit to have included frangible connectors that are operable to break when the wedge is subjected to an applied force as taught by Rapata for the purpose of providing an alternative means for packaging the support and since such a modification merely involves making a separable item integral which would not have produced any unexpected results.

Allowable Subject Matter

Claims 7, 14, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,876,485 to Cowles

U.S. Patent 2,888,775 to Thoeming

U.S. Patent 3,254,362 to Rasor et al.

U.S. Patent 4,830,556 to Nelson

U.S. Patent 5,088,669 to Zinnbauer

U.S. Patent 5,820,217 to Horner et al.

U.S. Patent 6,032,589 to Wang

U.S. Patent 6,478,270 to Parisi et al.

U.S. Patent 6,623,082 to Huang


U.S. Patent 6,957,860 to Leist et al.

U.S. Patent Application Publication 2006/0049320 to Chen

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

April 2, 2007